

DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)

Applicant's or agent's file reference PHNL021315WO	IMPORTANT DECLARATION	Date of mailing(day/month/year) 15/03/2004
International application No. PCT/IB 03/05444	International filing date(day/month/year) 26/11/2003	(Earliest) Priority date(day/month/year) 05/12/2002
International Patent Classification (IPC) or both national classification and IPC		H03M13/27 G11B27/10
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.		

This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below


1. ☐ The subject matter of the international application relates to:
 - a. ☐ scientific theories.
 - b. ☐ mathematical theories
 - c. ☐ plant varieties.
 - d. ☐ animal varieties.
 - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
 - f. ☐ schemes, rules or methods of doing business.
 - g. ☐ schemes, rules or methods of performing purely mental acts.
 - h. ☐ schemes, rules or methods of playing games.
 - i. ☐ methods for treatment of the human body by surgery or therapy.
 - j. ☐ methods for treatment of the animal body by surgery or therapy.
 - k. ☐ diagnostic methods practised on the human or animal body.
 - l. ☐ mere presentations of information.
 - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:

☒ the description
☐ the claims
☐ the drawings
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.
4. Further comments:

see additional sheet

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Patricia Klingens-Herklots
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FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

No meaningful search is possible, Art 17(2) (ii) PCT.

The Description of the Application cites the DVD Specifications for Read-Only Disc, part 3 Video Specifications, version 1.1, December 1997 as being very relevant prior art. This prior art is sold under a Non Disclosure Agreement (see <http://www.fl1cdvd.co.jp/>) and cannot be cited by the Examiner in a Search Report.

Moreover, the only embodiment of the Description is not sufficiently disclosed, Art 5 PCT, because the description has to be supplemented with the DVD specifications documents in order to be carried out by a person skilled in the art, and this DVD specification is not available to the public since it is sold under a NDA.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.